

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**HEIDI M. ALLEN aka
HEIDI M. DISTAOLA,**

Plaintiff,

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

-vs-

**Civil Action No. 5:11-CV-0079
(GLS/GHL)**

**PROFESSIONAL RECOVERY SERVICES, INC.,
ALAN HATCHER,**

Defendant.

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by an individual consumer for Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. Section 1692 *et seq.*, (hereafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. Section 1692k(d) and 28 U.S.C. Section 1337.

III. PARTIES

3. Plaintiff is a natural person residing in the State of New York, Onondaga County.

4. Defendant, Professional Recovery Services, Inc., is an entity with its principal place of business located in Voorhees, New Jersey. Defendant, Alan Hatcher, is an employee and agent of Defendant corporation. The Defendants regularly attempt to collect debts alleged to be due another.

IV. FACTUAL ALLEGATIONS

5. On or about May 11, 2010, Defendants mailed to Plaintiff and the Plaintiff subsequently received a debt collection communication, a copy of which is annexed hereto as Exhibit "A".

6. Said communication did not contain, nor was Plaintiff subsequently provided with, the notification required under Section 1692g of the FDCPA.

V. CLAIM FOR RELIEF

7. Plaintiff repeats, realleges and incorporates by reference paragraphs one through six above.

8. Defendants violated the FDCPA, including in the following manner:

(a) Defendants, in their communication, violated the terms of Section 1692g of the FDCPA by failing to provided the notification as required by that Section and by failing thereafter to provide Plaintiff with said notification.

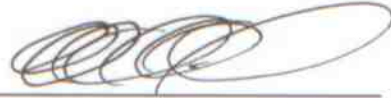
9. As a result of the acts alleged above, Plaintiff suffered nervousness, embarrassment, and serious emotional upset.

10. A trial by jury is demanded of all issues in this action.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendants in the amount of:

- (a) \$6,000.00 actual damages;
- (b) \$1,000.00 statutory damages pursuant to 15 U.S.C. Section 1692k;
- (c) Costs and reasonable attorney's fees pursuant to 15 U.S.C. 1692k;
- (d) Granting Plaintiff such other relief as may be just and proper.

DATED: January 21, 2011



CLIFFORD FORSTADT

Bar Roll Number 101681

Attorney for Plaintiff

5788 Widewaters Parkway

DeWitt, New York 13214

Telephone No. (315) 446-1865

Fax No. (315) 446-1208

Email: clifford@cnylawcenter.com



P.O. BOX 1880
VOORHEES NJ 08043-7880

ADDRESS SERVICE REQUESTED

#BWNLCVS S-ONPREC10 L-120 A-9347000
#093470006# P13NQG00412652 I12653
HEIDI M ALLEN
127 PAUL AVE
SYRACUSE NY 13206-3218



PROFESSIONAL RECOVERY SERVICES INC.
P.O. BOX 1880
VOORHEES NJ 08043
PHONE: (866) 464-1013

PROFESSIONAL RECOVERY SERVICES INC.
P.O. BOX 1880
VOORHEES NJ 08043



05/11/10

To make a payment on line, please visit our website at
www.prsinc.net/gateway.

Account # : 9347000	Client # : 4227093889037903	Amount Due: \$ 3075.91
Client : APPLIED BANK		

✕ Detach Upper Portion And Return With Payment ✕

***** IMPORTANT COLLECTION NOTICE *****

ACCOUNT # : 9347000

PROFESSIONAL RECOVERY SERVICES INC.
P.O. BOX 1880
VOORHEES NJ 08043
PHONE: (866) 464-1013

RE : Your account with our client
APPLIED BANK
AMOUNT DUE : \$ 3075.91

Dear HEIDI M ALLEN,

Professional Recovery Services, Inc. is the authorized representative for the above mentioned client.

In an effort to assist you in resolving this matter, our client has authorized us to extend to you an offer to settle your account for less than the amount you owe. Please contact us so that we may work with you to establish the terms of a settlement agreement which will be acceptable to both you and our client. We are not obligated to renew this offer.

Sincerely,

Alan Hatcher
ALAN HATCHER
Senior Claims Adjustor
(866) 464-1013

To make a payment on line, please visit our website at www.prsinc.net/gateway.

This is an attempt to collect a debt and any information obtained will be used for that purpose. This communication is from a debt collector.

EXHIBIT A